UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,525	08/22/2003	Luca Massasso	08020.0002.00000	8119

22852   7590   09/26/2008
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EXAMINER
NUNEZ, JORDANY

ART UNIT	PAPER NUMBER
2175	

MAIL DATE	DELIVERY MODE
09/26/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	10/645,525	MASSASSO ET AL.
	Examiner	**Art Unit**	
	Jordany Núñez	2175	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>12 September 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☒ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: <u>none</u>.

   Claim(s) objected to: <u>none</u>.

   Claim(s) rejected: <u>1-8, 10-23</u>.

   Claim(s) withdrawn from consideration: <u>none</u>.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/WILLIAM L. BASHORE/
Supervisory Patent Examiner, Art Unit 2175

Continuation of 3. NOTE: The proposed amendment (e.g., "device […]") to independent claim 19 reflects a change in scope to the independent claims and raises new issues for the Examiner to consider. Therefore said amendment will not be entered because said amendment would require further search and consideration by the Examiner. .

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments have been fully considered but are not persuasive. Examiner reiterates that references to specific columns, figures or lines should not be limiting in any way. The entire reference provides disclosure related to the claimed invention. Applicant argues that:

1) Notwithstanding the proposed amendment to claims 19-24, Applicant submits claims 1 and 8 are statutory under 35 U.S.C. § 101. Claims 1 and 8 are drawn to a "[a] system for generating a user interface" which is a statutory category of invention. Regardless of whether a "computer-readable storage medium" or "means for storing" are cited in claims 1 and 8, claims 1 and 8 are statutory because they are drawn to a system. In other words, and without conceding that any element of any claim is non- statutory, even if a claim contains an element that may be non- statutory but is part of an otherwise statutory manufacture or machine, "the claim remains statutory irrespective of the fact" that a non-statutory storage medium remains in the claim. Therefore, claims 1 and 8 are statutory under 35 U.S.C. § 101. As such, claims 2-7, 10, and 18 are statutory because the claims from which these claims depend are statutory (page 10, paragraph starting with "Notwithstanding the proposed […]").
Examiner disagrees.
The proposed amendment seemly does not overcome the 35 U.S.C. § 101 rejection, at least because terms "device and "medium" seem to be interchangeable, according to Applicant's specification, paragraph 57.

2) Regardless of whether a "chick icon" making a "peep noise" can constitute the claimed "interaction between web components," disclosure of a "chick icon" and a "peep noise" can in no way constitute the claimed "interaction involving business data and one or more back end systems." Even applying the broadest reasonable interpretation of DiStefano, a "chick icon" making a "peep noise" cannot constitute the claimed business data and does not involve the claimed one or more backend systems (page 11, penultimate paragraph).
Examiner disagrees.
Mere conlusory statements cannot be given much weight. For example, Applicant makes no attempt at explaining why a "chick icon" making a "peep noise" cannot constitute the claimed business data.

3) The disclosed "tables and cells" do not constitute the claimed "business data." Even if the disclosed "fields" could constitute business data, which Applicant does not concede, DiStefano still fails to disclose the presence or use of the claimed "backend system." There is no disclosure, even when the above identified portion of DiStefano is viewed using the broadest reasonable interpretation of anything that could constitute the claimed "backend system (page 12, second paragraph).
Examiner disagrees.
Because Applicant does not provide the meaning of the phrase "backend system," Examiner interprets that phrase very broadly. For example, it seems reasonable to think of a "backend system" as any system that is not "front end," such as a graphical user interface. In said case, then any component that is not part of said "front end" (e.g., a GUI) system seems to be reasonably interpreted as a part of a "backend system.".